

REMARKS

Applicant acknowledges the receipt of the Office Action dated 12 March 2004 in which the Examiner:

- 1) Objected to the Drawings for failing to comply with 37 CFR 1.84(p)(4) and because of informalities in Figures 4 and 13,
- 2) Objected to the Abstract as containing legal phraseology,
- 3) Objected to Specification because of various typographical informalities,
- 4) Objected to the Claims because of multiple antecedence informalities,
- 5) Rejected claims 1-4, 9-10, 12-16, 24-25, and 33-36 under 35 U.S.C. §102(e) as anticipated by various embodiments of *Saari* (U.S. Pat. No. 6,532,035),
- 6) Rejected claims 11, 17-19, 24, 26-28, and 29-32 under 35 U.S.C. §103(a) as obvious over the combination of various embodiments within *Saari*, and
- 7) Objected to the remaining pending claims (5-8, 20-23, and 37) as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all limitations of the base and any intervening claims.

In this Response, Applicant is:

- 1) Submitting a new Figure 4 drawing sheet to replace the originally submitted Figure 4,
- 2) Amending minor typographical informalities within the specification,
- 3) Submitting a new Abstract to replace the originally submitted Abstract,
- 4) Adding five (5) new claims,
- 4) Amending the Claims to correct antecedence informalities noted by the Examiner, and
- 5) Submitting a declaration per MPEP §715 to establish invention of the subject matter of the rejected claims prior to the effective date of the *Saari* reference (U.S. Pat. No. 6,532,035).

A. Drawing Changes

With regards to the drawings, the replacement drawing sheet containing Figure 4 corrects the informalities noted by the Examiner in the Office Action dated 12 March 2004. Specifically, the new Figure 4 now shows reference character 67 (formerly 66, which also refers to cavity 66) to refer to the spring clip. The associated reference in the specification has also been changed. Further, the reference characters associated with the entry opening 70 and exit opening 72 have been corrected to match the specification. In original Figure 4, these characters were improperly designated 68 and 70, respectively. These changes are offered to correct wholly inadvertent inconsistencies and do not add new subject matter. Therefore, applicants respectfully request acceptance of the replacement Figure 4.

With regards to Examiner's request to change Figure 13, applicants have elected to amend the specification to resolve any inconsistencies between Figure 13 and the specification. Therefore, Figure 13 was not changed in this Response to Office Action.

B. Specification Changes

Applicants are amending four separate paragraphs in the specification to correct reference character inconsistencies and/or minor typographical errors. First, on page 5, line 17 of the original application, "spring clip 66" is changed to --spring clip 67-- to match the corresponding change in Figure 4 mentioned above. Second, on page 6, line 8, "movable mirror 58" is changed to --movable mirror 56-- to coincide with the Figures and remainder of the specification. Third, on page 9, line 5, the grammatical error in the phrase "stationary lenses 54' for fixed" is corrected by replacement with the phrase -- stationary lenses 54' are fixed --. The last of the changes to the Detailed Description are made to the paragraph starting on page 10,

line 5. In this paragraph, Applicants have changed the reference characters 60, 60', and 60" to 52, 52' and 52", respectively. These changes are initiated because the mirror assemblies in the Figures and specification are identified by the reference character 52 or 52'. Consequently, a similar numerical character will be used to refer to similar components in the interest of consistency and accuracy. Lastly, a grammatical error in this paragraph has also been corrected. No substantive changes or additions to the specification are made by these changes and Applicant respectfully requests consideration and acceptance thereof.

C. Abstract Change

Applicants are submitting a new Abstract per Examiner's suggestions. The replacement Abstract does not introduce new matter and is in compliance with MPEP 608.01(b). Applicants therefore respectfully request consideration and acceptance of the new Abstract.

D. Claim Additions

Applicants are submitting five new claims numbered 38-42. These new claims do not add new subject matter and are fully supported by the originally filed specification. Applicants therefore respectfully request consideration and examination of the new claims.

E. Claim Amendments

Applicants have amended various claims per Examiner's suggestions in paragraph 6 of Paper No. 4 (Office Action dated 12 March 2003). Applicants also note the following

amendments not specifically pointed out by Examiner but necessary to correct antecedence problems:

1. In Claim 26, line 2, "a first position" is changed to --the first position-- and on line 3, "a second position" is changed to --the second position--. The first and second positions are first claimed in parent claim 25.
2. In Claim 30, line 1, "said mirror assembly" is changed to --said movable mirror assembly--. The same change is made on line 2 of the same claim. The movable mirror assembly is first claimed in parent claim 29.

F. 35 U.S.C. 102(e) and 103(a) Rejections Over U.S. Pat. No. 6,532,035 to Saari

According to the information printed on the face of the U.S. Pat. No. 6,532,035, the *Saari* patent was filed June 29, 2000 and issued March 11, 2003. According to the §1.131 declaration submitted herewith, the inventors of the present application conceived of the invention claimed in the present application not later than about November 15, 1999. The date of actual reduction to practice was no later than about December 10, 1999. The application was pursued with reasonable diligence through filing of the application on or about August 8, 2000. Therefore, the inventors of the present application conceived of this invention and actually reduced the invention to practice before the §102(e) effective filing date of *Saari*. Furthermore, the inventors pursued the idea with reasonable diligence until the filing date of August 2, 2000. Under §102(e) and MPEP §715, the *Saari* patent cannot qualify as prior art. It necessarily follows that all rejections based on *Saari* are overcome. Applicants therefore submit that all claims, including independent claims 1, 16, 29, and 33 and any claims depending therefrom, define patentable subject matter over the cited art.

G. Conclusion

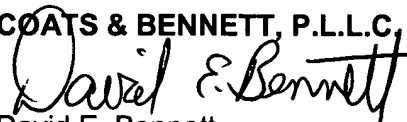
Applicant respectfully requests consideration of the above remarks and amendments. If the Examiner feels a telephone conversation is necessary for discussing the issues, he is invited to call the number indicated below. Thank you for your time and examination in this matter.

April 28, 2004

By:

Respectfully submitted,

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**FIG. 4**

